

GOVERNMENT OF TELANGANA
ABSTRACT

Home Department – Review petition against the orders of removal from service in respect of Sri K. Kommalu, Ex Head Warder, Central Prisons Hyderabad – Allowed - Modified the punishment – Orders – Issued.

HOME (SER.III) DEPT

G.O.RT.No. 162

Dated: 04/02/2016.

Read the following:

1. From the Reprn. Of Sri K. Kommalu, Ex-Head Warder, Central Prisons Hyderabad dt.21-05-2015 through M (Home) Endt. No. 929/M (Home) & Labour/2015, Dt: 21-05-2015.
2. Govt. Memo.No.395 (P)/Ser.III/A2/2015-1, Dt.27-05-2015.
3. From the Director General of Prisons and Correctional Services, Telangana Hyd. Lr.No.Estt/E4/245/2015, dt: 22-06-2015.

ORDER:

In the reference 1st read above, Sri K. Kommalu, Ex Head Warder, Central Prisons, Hyderabad has submitted a review petition against the punishment of "Removal from Service" for the reasons mentioned therein.

2. The Director General of Prisons and Correctional Services, Telangana State, Hyderabad, who was consulted in the matter, has informed that Sri K Kommalu, Ex-Head Warder while working at Central Prison, Hyderabad was placed u/s w.e.f. 8-11-2006 vide Proc.No.CPH/Estt/SA1/12235-38/2006, dated 15-11-2006 of the Superintendent, Central Prison, Hyderabad. He was involved in a murder of a person by name Md. Azhar and remanded into Central prison, Hyderabad on 8-11-2006 in Cr.No.370/2006 of Chatrinaka police Station, which was transferred to Dabeerpura Police Station and was renumbered as Cr.No.169/2006. The incident occurred in an old condemned quarter belonging to Central Prison, Hyderabad which was occupied by Sri K.Kommalu, Ex-Head Warder, without taking permission of the jail authorities and also allowed some antisocial elements to stay in the quarter along with him and there occurred the murder of above named persons, Sri K.Kommalu, Ex-Head Warder was shown as accused No.2 in that case. As such the following article of charge has been served on him vide Memo.No.CPH/Estt/SA1/ 4562/2007, dt. 05-05-2007.

"That the said K.Kommalu, Ex-Head Warder (Under Suspension) occupied a condemned Government quarter without obtaining prior permission from the competent authority. He also allowed some anti social elements to stay in the quarter along with him, resulting in taking place of murder of a person by name Mohd. Azhar in which he himself is a accused as seen in CrI. Case No 370/2006 of Police Station, Chatrinaka.

3. Sri K.Kommalu, Ex-Head Warder, Central Prison, Hyderabad has submitted his explanation dt.15-06-2007 duly denying the charge framed against him. As such after following the due procedure laid down in APCS(CC&A) Rules 1991 i.e., appointing enquiry & presenting officer, communicating the report of the enquiry officer to the individual, the Superintendent, Central Prison, Hyderabad has awarded the punishment of **Removal from service** to the individual vide his Proc.No.CPH /Estt/10121-124/2007, dt.12-10-2007. Aggrieved with the above orders the individual has preferred an appeal to the appellate authority, which was considered and rejected by Addl. Inspector General of Prisons (DT&TR) Hyderabad Proceedings dt.18-07-2008. He has also submitted revision petition to the Director General of Prisons and Correctional Services, Telangana State, Hyderabad which was considered and rejected vide proceedings dt. 13-03-2009. In the meantime, Sri K.Kommalu, Ex-Head Warder has requested appellate authority for release of pensionary benefits, as he was acquitted in the criminal case by the Hon'ble III Metropolitan Magistrate, Hyderabad in SC.No.197/2006. Which was considered and rejected by Deputy Inspector General of Prisons (HR), Hyderabad vide Memo.No. DIG (TR)/OS(E)/2012, dt.18-02-2012.

4. Now Sri K.Kommalu, Ex-Head Warder, Central Prison, Hyderabad has preferred a Review Petition to the Government with a request to set-aside the penalty of Removal from service. As there are no valid grounds to consider the same the Director General of Prisons and Correctional Services, Telangana State, Hyderabad, has requested to reject the same, since the punishment imposed on him is just and reasonable and proportionate to the delinquency.

5. After careful examination of the matter keeping in view of the records made available by taking the review petition of the individual into consideration it is observed that the individual attained the age of superannuation while under the penalty of removal, and had rendered 25 years of service. He was also honorably acquitted in the criminal case. Accordingly, Government hereby modify the punishment of "Removal from Service" to that of "Reduction in time scale of pay by two stages with cumulative effect on future increments and pension permanently". The out of employment period is also regulated as "Not on Duty".

6. The Director General of Prisons and Correctional Services, Telangana State, Hyderabad shall take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

RAJIV TRIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Prisons and Correctional Services,
Telangana State, Hyderabad.
The Individual concerned **through** the Director General of Prisons and
Correctional Services, Telangana State, Hyderabad.

//FORWARDED :: BY ORDER//

SECTION OFFICER